

**Antoine's Restaurants Inc., a California Corporation,  
d/b/a of Beverly Hills and Fayez Abdelmalek.  
Case 31-CA-15567**

December 27, 1991

**SUPPLEMENTAL DECISION AND  
ORDER**

BY CHAIRMAN STEPHENS AND MEMBERS  
DEVANEY AND OVIATT

On July 31, 1986, the National Labor Relations Board issued a Decision and Order in this proceeding,<sup>1</sup> directing Antoine's Restaurants Inc., a California Corporation, d/b/a Antoine's of Beverly Hills, the Respondent, inter alia, to make whole all discriminatees for losses resulting from its unfair labor practices, and on February 5, 1987, the United States Court of Appeals for the Ninth Circuit entered its judgment enforcing the Board's Order in full. On May 9, 1991,<sup>2</sup> the Acting Regional Director for Region 31 issued a compliance specification and notice of hearing alleging that a controversy had arisen over the amount of backpay due the discriminatees under the terms of the Board's Order and notifying the Respondent that it must file a timely answer that complies with the Board's Rules and Regulations.

Copies of the compliance specification and notice of hearing were served on the Respondent and its attorney by certified mail on May 9 and again on August 22. By letter dated November 7, the Regional Office again notified the Respondent's attorney that an answer to the compliance specification and notice of hearing was required. The letter advised the Respondent that it had until November 12 to file an answer, or a Motion for Summary Judgment would issue. Despite proper service of the compliance specification and notice of hearing, no answer to the compliance specification has been filed.

On November 18, the General Counsel filed with the Board in Washington, D.C., a Motion for Summary Judgment. On November 22, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the General Counsel's motion should not be granted. The Respondent has filed no response.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

On the entire record in this case, the Board makes the following

**Ruling on Motion for Summary Judgment**

Section 102.56(c) of the National Labor Relations Board's Rules and Regulations states in pertinent part:

*(c) Effect of failure to answer or to plead specifically and in detail to backpay allegation of specification.—If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate. . .*

As the Respondent has not filed an answer contesting the allegations in the compliance specification, and has not offered any explanation for its failure to do so, in accordance with the Rule set forth above, the allegations of the specification are deemed to be true and are so found by the Board without the taking of evidence in support of the allegations. Accordingly, we grant the General Counsel's Motion for Summary Judgment, conclude that the net backpay due the discriminatees is as stated in the computations of the specification, and order that payment be made by the Respondent as set forth below.

**ORDER**

The National Labor Relations Board orders that the Respondent, Antoine's Restaurants Inc., a California Corporation, d/b/a Antoine's of Beverly Hills, Inglewood, California, its officers, agents, successors, and assigns, shall pay each of the discriminatees named in the compliance specification the amounts set forth adjacent to their names, plus interest computed in accordance with *New Horizons for the Retarded*, 283 NLRB 1173 (1987), and accrued to the date of payment, less all tax withholding as required by Federal, state, and municipal laws.

<sup>1</sup> 280 NLRB No. 142 (not reported in Board volumes).

<sup>2</sup> All subsequent dates refer to 1991 unless specified otherwise.